S.B.CRIMINAL MISC. BAIL APPLICATION NO.5084/2006

Date : 17.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. B.S. Rathore for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.
Mr. Mridul Jain for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in the instant case on two occasion investigating officer were changed for the reason that no case was made out against the accused applicant who is a lady and one of the partner of the company known as Srizee Lizing & Finance Company situated at Mohan Colony, Banswara. It has been submitted that allegation that the deceased committed suicide on account of making harassment by the applicant and others for the reason that a sum of Rs.1.5 crore of the deceased was taken by the finance company and it was not

returned is not true. It has further been submitted that name of the applicant does not find place in the suicidal note.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant have submitted that huge amount obtained by the applicant's company on assurance that the deceased will fetch more interest and on that assurance the deceased made arrangement by bringing money from others on lower rate of interest and gave it to the applicant's finance company but the same was not returned, therefore, under the mental pressure to return the money to the borrowers the deceased after writing suicidal note committed suicide. It has been submitted that subsequently the applicant who is a lady and her husband who is a government servant, one of the partner has withdrawn from the partnership and the applicant's husband Mitesh Gupta, persuaded the complainant's husband to provide money to the finance company on the assurance that he will be paid higher rate of interest and on that assurance the deceased arranged the money from others and subsequently neither the actual amount nor the interest

thereon was paid. In the above circumstances, it has been submitted that applicant's case is not one where anticipatory bail in her favour requires to be granted.

I have considered the submissions made before me.

Taking into consideration the overall facts and circumstances of the present case without expressing any opinion on the merit of the case, I do not find it to be a fit case to extend benefit of anticipatory bail to the applicant. Accordingly, the bail application moved by the applicant under Section 438 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.

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